IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.213 OF 2005
IN
SUIT NO.4077 OF 1998

Cauvery Software Engineering
Systems Ltd. ...Plaintiff
Versus
Wockhardt Limited ...Defendants
And
Karnataka State Financial Corpn. ...Respondents

ALONG WITH

CHAMBER SUMMONS NO.214 OF 2005
IN
SUIT NO.4186 OF 1999

Uniport Computers Ltd. ...Plaintiff
Versus
Wockhardt Limited ...Defendants
And
Karnataka State Financial Corpn. ...Respondents

ALONG WITH

CHAMBER SUMMONS NO.215 OF 2005
IN
SUIT NO.5927 OF 1998

Scintilla Software Technology Ltd. ...Plaintiff
Versus
Wockhardt Limited ...Defendants
And
Karnataka State Financial Corpn. ...Respondents

ALONG WITH

CHAMBER SUMMONS NO.216 OF 2005
IN
SUIT NO.1439 OF 1999

European Software Alliances Ltd. ...Plaintiff
Versus
Wockhardt Limited ...Defendants
And

Karnataka State Financial Corpn. ...Respondents

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Mr.S.M.Shah for Respondents/Applicants.

Ms.Manisha Virkar i/b Purohit & Purohit for Plaintiff.

Mr.Gaurav Joshi i/b Harish Joshi & Co. for Defendant No.1.

Mr.D.A.Shinde for Defendant No.4.

Ms.Swati Deshpande i/b M.S.Bodhanwala & Co. for Standard Chartered Bank.

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CORAM: A.M.KHANWILKAR, J.

JUNE 7, 2005.

P.C.

1. Heard Counsel for the parties.

2. By these Applications, Respondents pray that Plaintiffs be directed to implead the Respondent Corporation as party Defendant in the Suit instituted by the Plaintiffs against the Defendants.

3. These Applications are resisted by Defendant No.1 on the argument that the assertions,

on the basis of which the Respondents claim for being impleaded as Defendants in the Suit pending against the Defendants, is wholly ill-advised. It is argued that in law, the Plaintiffs cannot claim damages on behalf of any person such as the Respondents. In substance, the Respondents claim that the Plaintiffs have authorised the Respondents to avail of the decretal amount, in the event the suit instituted for damages against the Defendants was to be decreed in his favour.

3. There is substance in the argument on behalf of Defendant No.1 that the Respondents are neither necessary nor proper party. They cannot claim any legal right in respect of a prospective decree to be passed in favour of the Plaintiffs so as to make the basis for being impleaded as Defendants in the pending suits between the parties.

4. Hence, Chamber Summons dismissed.

5. It is made clear that it will be open to the Respondents to take recourse to any other

remedy as may be permissible in law, if so advised.

A.M.KHANWILKAR, J.